

9 FAM 42.22 Procedural Notes

(TL:VISA-206; 05-22-2000)

9 FAM 42.22 PN1 Verifying Previous Lawful Admission

(TL:VISA-49; 10-31-1991)

a. Aliens applying for returning resident status must present a Form I-551, Permanent Resident Card, a valid Form I-191, Application for Advance Permission to Return to Unrelinquished Domicile (reentry permit), or other satisfactory evidence of admission to the United States as a lawful permanent resident alien (LPR). If the alien is unable to present such evidence, the post may send a "VISAS RACCOON" message for verification of immigrant status [see 9 FAM Appendix E 300]. (The normal return time on a VISAS RACCOON request is about two weeks.) In cases where expediency is required, posts should fax the message in addition to sending it as a cable. The fax number for INS records is (202) 615-2582.

b. Because of widespread incidents of impostors using counterfeit INS documents, applicants must present reliable, independent evidence of their identity. Posts should report cases involving known or suspected impostors to the Department (CA/FPP) before taking final action.

9 FAM 42.22 PN2 Verification of LPR Status Using the INS Image Retrieval Terminal (IRT)

(TL:VISA-206; 05-22-2000)

INS's Forensic Document Laboratory (FDL) houses a computer database, known as the Image Retrieval Terminal (IRT). IRT stores images, including photos, of permanent resident cards issued since 1989. The response time using IRT is much quicker than the VISAS RACCOON request.

9 FAM 42.22 PN2.1 Photophone Requests

(TL:VISA-206; 05-22-2000)

The use of the photophone is the fastest means of communicating with the lab. Posts wishing to send messages via the photophone should contact the Forensic Document Laboratory at (703) 285-2482. Photophone inquiries can only be made Monday through Friday, from 7:00 AM to 8:30 PM (EST), and Saturdays, Sundays and holidays from 10:00 AM to 6:30 PM (EST).

9 FAM 42.22 PN2.2 E-Mail or FAX Requests

(TL:VISA-206; 05-22-2000)

Consular officers who send IRT requests via e-mail must include:

- (1) The e-mail address; and*
- (2) Post name, phone number and FAX numbers. FDL will attempt to process all e-mail and FAX requests in a timely manner. E-mail requests may take longer due to delays in transmission between post and FDL.*

9 FAM 42.22 PN3 Passing Derogatory Information on LPRs to INS

(TL:VISA-206; 05-22-2000)

a. When a consular officer discovers criminal activity or other derogatory information which could affect an LPR's admissibility or entitlement to LPR status, the post should cable this information directly to the INS National Lookout Unit. Information that is not time-sensitive can be mailed, addressed to:

*Lookout Unit
1400 Wilson Blvd. Suite 210
Rosslyn, VA 22209*

b. If the post determines that the LPR is likely to travel within three days, post should send the report via FAX at 202 305-7078. In urgent cases, posts may phone the lookout unit at 202-514-4034. The Lookout Unit will determine whether to enter the LPR in INS's National Automated Immigration Lookout System (NAIIS) and will pass the information to other interested INS offices for appropriate action. In general, posts should not enter the names of the LPR into CLASS. Consular officers should only enter an LPR into CLASS if the consular officer has reason to believe that the LPR may apply for a visa.

9 FAM 42.22 N4 Application for Relief under INA 212(c)

9 FAM 42.22 PN4.1 How and Where to File

(TL:VISA-206; 05-22-2000)

An LPR seeking relief under the provisions of INA 212(c) should execute Form I-191, Application for Advance Permission to Return to Unrelinquished Domicile. The applicant should submit the form together with the required fee to the INS district director having jurisdiction over the applicant's actual or intended place of residence in the United States.

9 FAM 42.22 PN4.2 What to Include with the Application

(TL:VISA-206; 05-22-2000)

The applicant may file the application prior to, at the time of, or any time after applicant's departure from the United States. The application should include:

- (1) All material facts and/or circumstances known or believed to apply to the ground(s) of ineligibility; and*
- (2) All available documentation relating to such grounds.*

9 FAM 42.22 PN4.3 Role of the Consular Officer

(TL:VISA-206; 05-22-2000)

Consular officers should not act as intermediaries in submitting such applications. Authorized posts may, however, use the Department's pouch to facilitate submission.

9 FAM 42.22 PN4.4 Decision Sent to Consular Office

(TL:VISA-206; 05-22-2000)

The INS district director will grant or deny relief to the applicant under INA 212(c) and will notify the appropriate consular office. If the application is denied, the applicant will be informed of the reason for denial. If the application is approved, the consular officer shall attach the approval notification to the immigrant visa.

9 FAM 42.22 PN4.5 Validity of 212(c) Approval

(TL:VISA-206; 05-22-2000)

Once the 212(c) application is approved, the approval is valid indefinitely. The approval covers only those grounds specifically identified in the application.

9 FAM 42.22 PN5 Relinquishing Alien Registration Cards

(TL:VISA-49; 10-30-1991)

When an alien willingly surrenders the permanent resident card, the consular officer shall ask the alien to complete Form I-407, Abandonment of Lawful Permanent Resident Status. The consular officer shall accept the card and return it, with the Form I-407, to INS central office under cover of Form OF-228, Request for Information from or Report to U.S. INS

Concerning an Individual Alien, with an explanatory statement. INS central office will transmit Form OF-228 to the district office for review and inclusion in the alien's immigration file.

9 FAM 42.22 PN6 Application for and Consular Adjudication of Returning Resident Status

(TL:VISA-83; 08-13-1993)

An applicant seeking special immigrant status as a returning resident must complete Form DSP-117, Application to Determine Returning Resident Status.

9 FAM 42.22 PN7 Reporting Returning Resident (SB) Visa Issuances

(TL:VISA-206; 05-22-2000)

a. Posts must report SB issuances to INS within ten working days. As cables to INS are not received in a timely manner, reports may be transmitted by fax or mail to the following address:

*USINS TSC
P.O. Box 850633
Mesquite, TX 75185-0633
ATTN: Operations Section
FAX (214) 767-7412*

b. Posts that frequently issue SB visas may submit a report listing multiple issuances in a single message. The post must provide the following information for each SB issuance, using the format below:

- (1) Original A number;*
- (2) Name;*
- (3) Date of birth;*
- (4) SB visa number; and*
- (5) Date of SB issuance.*